

P/4593



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : ALBERT A. BURLANDO

SERIAL NUMBER : 09/577,854

FILED : JUNE 15, 2000 BASED UPON A PROVISIONAL
FILING DATE OF JUNE 25, 1999

FOR : REFLECTIVE WARNING AND LOCATOR COLLAR
FOR HYDRANTS, PYLONS AND SUPPORT POSTS

ART UNIT :

EXAMINER :

PETITION TO MAKE SPECIAL

TO: ASSISTANT COMMISSIONER OF
PATENTS & TRADEMARKS
WASHINGTON DC 20231

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SIR:

The undersigned, having Power of Attorney of the Applicant, hereby requests that the above identified application be granted special status and taken out of turn for examination. In support of the Petition to Make Special, a Verified Statement by the inventor is submitted herewith. Also enclosed are references developed by a prior art search, which references are discussed in the Verified Statement.

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130.00 OP

The petition fee in the amount of \$130.00 is included.

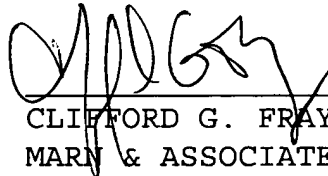
Also included is a self-addressed, stamped post card. Kindly acknowledge receipt of this Petition to Make Special by stamping same and returning it to the undersigned.

Applicant respectfully submits that the facts as set forth in the Verified Statement of the Inventor attached hereto states sufficient grounds for the application to be granted special status.

Respectfully submitted,

ALBERT A. BURLANDO - Applicant

By:



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VERIFIED STATEMENT OF ALBERT A. BURLANDO

TO: ASSISTANT COMMISSIONER OF
PATENTS & TRADEMARKS
WASHINGTON DC 20231

SIR:

1. I am the named inventor with respect to the above identified patent application directed towards a reflective warning and locator collar for hydrants, pylons and support posts.

2. I make this Verified Statement in support of a Petition to Make Special on the grounds of infringement.

3. Fire hydrants are a part of every day life, and in most communities, they are located in spaced apart relationship in order to provide a source of water to firemen in fighting fire within the proximity of the particular hydrant. Fire hydrants are recognized in our daily travels, but their exact location does not often register in our minds. The same holds true for fire fighters when responding to a fire when they visually identify the location of the nearest hydrant as a result of their bright color. However, in the hours of darkness and other periods of low visibility, the fire hydrants, even though brightly colored, may not be readily identifiable to the fire fighters and the inability to locate the fire hydrant may delay the commencement of the fire fighting activities and thus endanger not only property, but life.

4. In such situations of low visibility or darkness, in warm and temperate climates, a solution to the problem has been to embed in the concrete or asphalt proximate to the fire hydrant a reflective or florescent member which is easily visible to the fire fighter for identifying the location of the fire hydrant.

5. This solution has not been available in colder climates which experience a winter period where snow may be prevalent and which may cover the reflective or florescent road identifier. Still further, in such climates, snow removal may have a deleterious affect on the reflective or florescent identifier embedded in the concrete or asphalt adjacent the fire hydrant such that its life span is limited.

6. Still further, in some instances, certain fire hydrants are dormant or not capable of delivering water. In a fire situation, it is imperative that the fire fighters be able to visibly identify hydrants which are capable of delivering water and those which are not.

7. The reflective warning and locator collar which is the subject matter of the above identified patent application aids the fire fighters in identifying fire hydrants in low visibility situations in any type of climate and they may also be color coded to quickly identify to the fire fighter whether or not the particular hydrant is capable of delivering water or whether it is in a dormant stage.

8. Shortly after filing the above identified application,

I introduced my reflective warning and locating collar for fire hydrants to the market place and it was met with a positive response. My company has been selling the reflective collars as quickly as we make them. Shortly after introducing the product to the market, a competitor viewed my reflective collar invention and immediately began to manufacture an identical reflective collar. This company is Hall Signs, Inc. of Bloomington, Indiana. Hall Signs and my company have been competitors for years with respect to products which are not covered or protected by patent or copyright.

9. In this instance, Hall Signs knows that I have filed for a patent application with respect to this product since the produce when marketed is clearly marked patent pending. Nevertheless, Hall Signs continues to manufacture an identical product and compete with me in municipalities and fire districts for their business. For this reason I am requesting that the above identified application be taken out of turn and examined.

10. In support of this petition I have had a prior art search conducted, the results of which are filed herewith. The two relevant patents which were developed as a result of the

search are U.S. Patent 2,175,565 to Blackman, et al. and U.S. Patent 2,175,567 to Blackman, et al. While these two patents are directed to the problem of locating and identifying fire hydrants in low visibility situations, I believe that the subject matter of my application is distinguishable from the Blackman references.

11. The '565 patent to Blackman discloses a band 16 which is circumferentially mounted about the dome portion of the fire hydrant. The dome portion consists of an upper and lower member 12 and 13 which are held together along flanges by a plurality of bolts 14. The reflector of Blackman in the '565 patent requires the removal of the bolts and the positioning of a plurality of brackets in order to mount the circumferential band 16 which contains a plurality of prismatic glass reflectors.

12. The positioning of the reflector in the '565 patent requires the removal of the bolts 14 in order to secure it about the circumferential flanges of the dome of the hydrant. As such it is not protected from the elements and because of the use of distinct prismatic glass reflectors, there is not a continuous reflective surface about the hydrant for identification.

13. The subject matter of my application calls for a

flexible band with a continuous reflective material mounted thereon which is snap fit to itself below the dome of the hydrant.

14. The '567 patent to Blackman provides for a reflective band which is positioned below the dome of the hydrant. However, it is not continuous with respect to its reflectivity, but again includes a plurality of distinct prismatic glass reflectors. As such, the optimum viewing angle for reflection would be in alignment with one of the distinct prismatic glass reflectors. My application provides for a continuous band of reflective material.

15. Still further, the reflector of Blackman and the '567 patent is a rigid band and Blackman recognizes that the band may have to include cutouts 22 in order to fit over the hydrant outlets.

16. The disclosure of Blackman in the '567 patent would require the individual bands 20 to be premeasured and fabricated in order to fit hydrants of different circumference. The subject matter of my application may be mass produced and cut to length in the field and secured so as to fit hydrants of varying circumference.

17. Still further, there is no disclosure in Blackman either the '565 or '567 patent with respect to color coating the reflective material or his prismatic glass reflectors to identify dormant or out of use hydrants or possibly the pressure on the hydrants.

18. I respectfully submit that I believe the subject matter of my application to be novel and distinctive over and above the prior art submitted of record, and in particular, what I believe to be the too closest prior art references, Blackman '565 and Blackman '567 under either the doctrine of anticipation or obviousness. In light of the direct infringement which is taking place and the submissions herein, I respectfully submit that the application is in condition for special status and a determination of same is respectfully solicited.

19. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United

States Code and that such wilful false statements may jeopardize the validity of this Petition, the application or any patent issuing thereon.

Respectfully submitted,

ALBERT A. BURLANDO - Applicant

Albert A. Burlando

By: _____

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